(*3*) If a partition has taken place and the estate is held in severalty, the said charges shall be payable by, and recoverable from, the holders of the various portions into which the estate has been divided in proportion to their respective shares in the estate.

PART V.

MISCELLANEOUS.

Bar of incumbrances on a táluqdár's estates beyond táluqdár's own life, except with consent of the Táluqdárí Settlement-officer;

[1] **31.** (*1*) No incumbrance on a táluqdár's estate, or on any portion thereof, made by the táluqdár after this Act comes into force, shall be valid as to any time beyond such táluqdár's natural life unless such incumbrance is made with the previous written consent of the Táluqdári Settlement-officer, or of some other officer appointed by the Governor in Council in this behalf [2][and after the death of a táluqdár no proceeding for the attachment, sale or delivery of, or any other process affecting the possession or ownership of, a táluqdárí estate, or any portion thereof, in execution of any decree obtained against such táluqdár or his legal representative, except a decree obtained in respect of an incumbrance made with such consent as aforesaid, or made before this Act comes into force, shall be instituted or continued except with the like consent].

and of all alienations except with consent of Governor in Council.

(*2*) No alienation of a táluqdár's estate or of any portion thereof, or of any share or interest therein, made after this Act comes into force, shall be valid, unless such alienation is made with the previous sanction of the Governor in Council, which sanction shall not be given except upon the condition that the entire responsibility for the portion of the jamá and of the village expenses and police-charges due in respect of the alienated area shall thenceforward vest in the alienee and not in the táluqdár.

Saving of rights of Government under section 3 of Bombay Act VII of 1863.

32. (*1*) No consent or sanction given under the last preceding section shall be deemed to affect any right of Government under section 3 of [3] Bombay Act VII of 1863 (*an Act for the Summary Settlement of claims to exemption from the payment of Government land-revenue and for regulating the terms upon which such exemption shall be recognized in future, in those parts of the Bombay Presidency which are not subject to the operation of Act XI of 1852 of the Council of India*).

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[1] Nothing in s. 31 shall be deemed to apply to any incumbrance or alienation made before the passing of the Gujarát Táluqdárs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code, by a mulgameti, who holds land directly from Government, except where his estate has been taken under management by a Government officer under Bom. Act 6 of 1888. *See* s. 2 (*2*), proviso, of that Act.

[2] These words were added by s. 5 of the Gujarát Táluqdárs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code.

[3] Vol. II of this Code.

Saving of sections 28 and 24 of Act XXI of 1881.

(2) And nothing in the last preceding section shall apply to the property of any thákur to which section 28 of the [1] Broach and Kaira Encumbered Estates Act, 1881, is applicable, or be deemed to affect the power of the manager of any thákur's immoveable property under section 24 of the said Act. XXI of 1881.

Applicability of the Bombay Land-revenue Code to táluqdárs' estates.

33. [2][(1) Nothing in sections 38 to 40, both inclusive, 44, 60 to 67, both inclusive, 76, 82, 85, 116, 117A, 127 to 134, both inclusive, 136, 163, 216 and 217 of the [2] Bombay Land-revenue Code, 1879, shall be deemed to apply to any estate to which this Act extends.] Bom. Act V of 1879.

(2) The provisions of the said Code when applied to any such estate shall be subject to the following modifications (namely) :—

(*a*) in section 3, clause (*1*), the words "the Tálukdári Settlement-officer and every officer appointed by the Governor in Council to exercise any power or perform any duty under the Gujarát Táluqdárs' Act, 1888, and" shall be inserted after the word "means";

(*b*) in section 54, the words "or under the Gujarát Táluqdárs' Act 1888," shall be inserted after the figures "136";

(*c*) in sections 46, 88, 89 and 94, the word "táluqdár" shall be substituted for the words "holder of alienated lands" and the word "holder", wherever they occur;

[3][(*cc*) to section 79A, clause (*a*), the words "which he uses or occupies in contravention of any of the provisions of the Gujarát Táluqdárs' Act, 1888, or", shall be added;]

(*d*) in section 88, the clauses (*c*) to (*f*) and proviso shall be omitted;

(*e*) for section 111 the following section shall be deemed to be substituted, *viz.* :—

Revenue management of taluqdárí estates which may be temporarily under Government management.

"111. In the event of any táluqdár's estate coming under the temporary management of Government officers, it shall be lawful for the Collector, Táluqdárí Settlement-officer, or other officer appointed by Government in this behalf, subject, in any case to which it applies, to the proviso to section 29 of the Gujarát Táluqdárs' Act, 1888, to let out the lands thereof at

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[1] Vol. II of this Code.

[2] This sub-section was substituted by s. 94 (*1*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[3] Clause (*cc*) was inserted by s. 6 of the Gujarat Táluqdárs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code.

rates determined by means of a survey-settlement or at such other fixed rates as he may deem to be reasonable, and to [1][grant unoccupied lands on lease] and otherwise to conduct the revenue management thereof under the rules for the management of unalienated lands not comprised within a táluqdár's estate, so far as such rules may be applicable and for so long as the said estate shall be under the management of Government officers :

provided, however, that any written agreements relating to the land made by the táluqdár of such estate shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful claims of Government on the land ; and provided also that, when the estate ceases to be under the management of Government officers, the possession and enjoyment thereof shall, except as is otherwise provided in section 29 of the Gujarát Táluqdárs' Act, 1888, revert to the táluqdár, subject to the leases [2] * * *, if any, granted under this section ;"

(*f*) [3] * * section 113 [4] * * shall be omitted;

(*g*) in section 147, the words "or under the Gujarát Táluqdárs' Act 1888," shall be inserted after the word "section";

(*h*) in section 150, clause (*f*), the word "alienated" shall be omitted ;

(*i*) in section 160, the word "be" shall be substituted for the words "revert to Government";

(*k*) in section 162, the words "at any time within twelve years from the first day of August next after the attachment" shall be omitted ;

(*l*) in section 214, clause [5] [(*h*)] shall be omitted ;

(*m*) generally, the word "táluqdár" shall be substituted for the word "occupant"; [6] * * * * and the words "táluqdár's holding" or such words to that effect as may be required by the context, for the word "occupancy".

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[1] These words were substituted for the words "sell the occupancy of unoccupied lands by auction" by s. 94 (*2*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] The words "and occupancy rights" were repealed by *ibid.*

[3] The word "in" was repealed by s. 94 (*3*), *ibid.*

[4] The word, figure and brackets "clause (*3*)" were repealed by s. 94 (*3*), *ibid.*

[5] This letter was substituted for the letter "*f*" by s. 94 (*4*), *ibid.*

[6] The words "the words 'registered táluqdár' for the words 'registered occupant" were repealed by s. 94 (*5*), *ibid.*

And whereas it is also expedient to limit the period within which fresh estates may be subjected to the operation of [1] Bombay Act VI of 1862 (*an Act for the amelioration of the condition of Táluqdárs in the Ahmedabad Collectorate and for their relief from debt*) ; It is further enacted as follows :—

Limitation of operation of Bombay Act VI of 1862.

34. No new declaration shall be made under section 1 of the said [1] Bombay Act VI of 1862 at any time after six months from the date on which this Act comes into force.

THE BOMBAY VILLAGE SANITATION ACT, 1889.

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